

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

LETICIA ALVARADO and FRANCISCO ALVARADO	*	CIVIL ACTION
	*	
	*	NO. 23-961
VERSUS	*	
	*	JUDGE
BOYD GAMING CORPORATION and BOYD RACING, LLC D/B/A DELTA DOWNS RACETRACK, CASINO AND HOTEL	*	MAG. JUDGE
	*	
	*	

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes Boyd Gaming Corporation (“Boyd Gaming”), defendant in the action entitled “*Leticia Alvarado and Francisco Alvarado vs. Boyd Gaming Corporation and Boyd Racing, LLC d/b/a Delta Downs Racetrack and Casino*,” bearing Civil Action No. 2023-1512 in Division E of the 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana, to notice removal of that Louisiana state civil court action to the United States District Court for the Western District of Louisiana, and upon information and belief represent as follows:

1.

The 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana, is located within the Western District of Louisiana pursuant to 28 U.S.C. §98. Therefore, venue is proper in this court in accordance with 28 U.S.C. §1441(a) because it is the “district and division embracing the place where such action is pending.”

2.

On 21 April 2023, plaintiffs, Leticia and Francisco Alvarado, filed suit in the 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana, against defendants, Boyd Racing and Boyd Gaming.

3.

In plaintiffs' Petition for Damages, they allege that on or about 7 May 2022, plaintiffs, who reside and are domiciled in Houston, Texas, were visiting Delta Downs Racetrack and Casino ("Delta Downs") when plaintiff Leticia Alvarado "slipped and fell on a comestible (a slice of pickle) that was on the floor," allegedly causing her serious injury.¹

4.

This Court has diversity jurisdiction over this case under the provisions of 28 U.S.C. §1332, because plaintiffs are citizens and domiciliaries of the State of Texas, and all defendants are diverse from plaintiff.

5.

Specifically, defendant Boyd Racing, L.L.C. is a Louisiana limited liability company whose only member is Boyd Louisiana, L.L.C., which is also a Louisiana limited liability company, and whose only member is Boyd Gaming. Boyd Gaming is a Nevada corporation with its principal place of business in Las Vegas, Nevada. As the only member of Boyd Louisiana is a citizen of the State of Nevada, it is considered a Nevada Citizen, as is its subsidiary, Boyd Racing. Defendant Boyd Racing is thus considered a citizen of the State of Nevada, as is Defendant Boyd Gaming.

¹ Petition for Damages, attached hereto as Exhibit "A".

6.

Therefore, complete diversity of citizenship exists between plaintiffs, citizens of the State of Texas, and defendants, who are both Nevada citizens.

7.

In paragraph 15 of the Petition for Damages, plaintiffs alleged that as a result of the fall, Leticia Alvarado “suffered severe and disabling injuries which have required and will continue to require extensive medical treatment. These injuries include, but are not limited to, injuries to her neck, mid and lower back, right knee, right hip and right wrist.”

8.

In paragraph 16, plaintiffs allege that as a result of the accident, “Leticia Alvarado has sustained compensable damages including, but not limited to past and future medical bills, loss of enjoyment of life, and loss of consortium.” In paragraph 17, plaintiff Francisco Alvarado makes a claim for “loss of consortium, including services, society, and relations with his wife.”

9.

In paragraph 20, Plaintiffs alleged that their damages “are insufficient for Federal Court jurisdiction.” However, prior to suit, plaintiff advised Boyd Gaming that Ms. Alvarado’s past medical bills (as of 14 February 2023) were \$59,794.60, and that future medical bills were projected to be at least \$82,539.00.² Based on just current past and future medical expenses alone, before adding any of the claimed general damages, the amount in controversy easily exceeds the sum of \$75,000.00, exclusive of interest and costs.

² See attached Exhibit “B”, Plaintiff counsel’s 14 February 2023 “Medical Summary “.

10.

Pursuant to the provisions of 28 U.S.C. §§1441 and 1446, this action is one that may be removed to the United States District Court for the Western District of Louisiana.

11.

Plaintiff's state court action was filed on 21 April 2023. Defendant Boyd Gaming was served long arm on 11 July 2023. Accordingly, this removal is timely under 28 U.S.C. §1446(b).

12.

Written notice of filing of this Notice of Removal is being delivered to plaintiff through his counsel of record, and a copy of this Notice of Removal will be filed with the clerk of the 14th Judicial District Court for the Parish of Calcasieu.

WHEREFORE, defendant, Boyd Gaming Corporation, notices removal of the above-described state court action to this Honorable Court.

Respectfully submitted,

MURPHY, ROGERS, SLOSS,
GAMBEL & TOMPKINS

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 20th day of July 2023, served a copy of the foregoing pleading on all counsel of record, either by operation of the Court's CM/ECF system, by hand, by email, by telefax or by placing same in the United States mail, properly addressed, and first-class postage prepaid.

/s/ John H. Musser, V

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